IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.4633 OF 1999

Shri V.N. Karande,
Subject Matter Specialist (Retd.),
Near Shiva Apartments,
Ranpise Nagar, Akola. .... Petitioner

- Versus -

1. The Commissioner of Agriculture,
Maharashtra State, Pune.

2. The Secretary to the Govt.
Agril., A.H., Dairy Dev. and
Fisheries Department,
Mantralaya, Mumbai-400 032.

3. The Maharashtra Administrative
Tribunal, Mumbai. .... Respondents

None for the Petitioner.

Ms P.S. Cardozo, Asst. Government Pleader,
for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATED: AUGUST 16, 2006

ORAL JUDGMENT (Per R.M.S. Khandeparkar, J.):

1. None present for the petitioner. Ms P.S. Cardozo, AGP, present for the respondents. Even on the earlier occasions, nobody had appeared for the petitioner and consequently the matter was adjourned on two occasions. It appears that the petitioner is not interested in pursuing with the petition. Even otherwise, there is no substance in the merits of the case.

2. The grievance of the petitioner relates to the order regarding compulsory retirement passed against him and in that regard allegation of non-application of mind by the Tribunal while dealing with the appeal filed by the petitioner against the said order. The main grievance of the petitioner, on perusal of the petition and the annexures thereto, is that his C.Rs were written by his junior officer and he was made to retire inspite of the fact that he was competent and capable to continue to work till he attained the age of superannuation.

3. As regards the allegation that the C.Rs were written by his junior, the affidavit in reply clearly discloses that the C.Rs were written by his next superior officer. It is also reflected from the affidavit in reply that the petitioner had never challenged the adverse remarks in his C.Rs, though they were reported to him.

4. The Tribunal on taking into consideration all the materials on record and considering that the authorities concerned, on proper application of mind, had arrived at the finding about the need to compulsorily retire the petitioner and on such consideration, the order of compulsory retirement having been passed, refused to interfere in the said order. Undoubtedly, the petitioner has not been able to make out a case of any

mala fide exercise of power or arbitrariness in the exercise of power by the competent authority in compulsorily retiring the petitioner. The petitioner has not been able to point out in the petition violation of any statutory provisions in the course of exercise of power regarding compulsory retirement of the petitioner.

5. The order of compulsory retirement having been passed on the basis of the materials and on proper appreciation thereof and with proper application of mind by the competent authority and the same having been confirmed by the Tribunal, based on the assessment of the materials placed in that regard before the Tribunal, there is no scope for interference in the said finding arrived at by the Tribunal. Besides, as already observed above, there is no case made out of any mala fide exercise of power or arbitrariness on the part of the authorities in compulsorily retiring the petitioner.

6. For the reasons stated above, therefore, the petition fails and is hereby dismissed. The rule is discharged with no order as to costs.

(Naresh H. Patil, J.) (R.M.S.Khandeparkar, J.)

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